

10-15-04

2877
SFW/g

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: YAMAGATA et al. Examiner: Smith, Zandra V.
Serial No.: 10/037,866 Group Art Unit: 2877
Filed: October 24, 2001 Docket: 10873.326USD1
Confirmation No.: 5239 Notice of Allow. Date: September 15, 2004
Due Date: December 15, 2004
Title: DEVICE FOR CALCULATING DIFFRACTION EFFICIENCIES OF A DIFFRACTION LENS,
LENS WITH GRATING ELEMENT, AND OPTICAL SYSTEM FOR READING

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 408492117 US

Date of Deposit: October 13, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PGPUB, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Name: David Ortiz

Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449, 1 Reference
- ☒ Check in the amount of \$180 for IDS filing fee
- ☒ Other: European Search Report - mailed Sept. 20, 2004
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: 

Name: Douglas P. Mueller

Reg. No.: 30,300

DPM/jh



S/N 10/037,866

PATENT


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By: 
Name: David Ortiz

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(d))

Mail Stop PGPUB

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. At least some of the references were recently cited in a European Search Report mailed September 20, 2004.

This statement should be considered because it is submitted after the mailing date of a final action under 37 C.F.R. § 1.113 or after the mailing date of the Notice of Allowance under 37 C.F.R. § 1.311 or after any other action that closes prosecution on the application, but before the payment of the issue fee. Enclosed is a check in the amount of \$180 for the fee set forth in 37 C.F.R. § 1.17(p). This statement is submitted as certified below under 37 C.F.R. § 1.97(e)(1) or (2) by the undersigned.

10/15/2004 CCHAU1 00000077 10037866

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Certification Under 37 C.F.R. §1.97(e)(1)

In accordance with 37 C.F.R. §1.97(c) or §1.97(d), the undersigned hereby certifies that each item of information listed on the enclosed Form 1449 was first cited in a communication from a foreign patent office in a counterpart foreign application within three months of filing this statement.

Certification Under 37 C.F.R. § 1.704(d)

In accordance with 37 C.F.R. § 1.704(d), the undersigned hereby certifies that each item listed on the enclosed Form 1449 was cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty (30) days prior to the filing of this Information Disclosure Statement. Accordingly, no patent term adjustment is due for the filing of this Information Disclosure Statement.

In accordance with 37 C.F.R. §1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

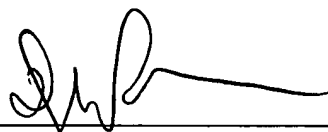
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
(612) 332-5300


Dated: October 13, 2004

By: _____


Douglas P. Mueller
Reg. No. 30,300

DPM/jh



 <p>FORM 1049</p> <p>INFORMATION DISCLOSURE STATEMENT</p> <p>IN AN APPLICATION</p> <p>(Use several sheets if necessary)</p>	Docket Number: 10873.326USD1		Application Number: 10/037,866	
	Applicant: YAMAGATA et al.			
	Filing Date: October 24, 2001		Group Art Unit: 2877	

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	5,349,471	09.1994	MORRIS et al.				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							

23552

PATENT TRADEMARK OFFICE

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	